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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,456	05/25/2001	Toshihiko Kaku	Q64549	1775

7590 11/03/2005

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2166	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,456	KAKU, TOSHIHIKO	
	Examiner	Art Unit	
	Srirama Channavajjala	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-92* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-92* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response under 37 CFR 1.111

1. Claims 1-92 are pending in this application.

2. Examiner acknowledges applicant's REMARKS filed on 10/5/2005.

3. Claim 14 has been amended [6/13/2005].

4. Examiner acknowledges applicant's after final "response" filed on 6/13/2005.

5. Examiner acknowledges applicant's amendment filed on 2/16/2005.

6. Claims 84,86 have been amended [2/16/2005]

7. claims 87-92 have been added [2/16/2005]

8. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2004 has been entered and a non-final office action mailed on 11/14/2004.

9. Claims 1,43,78 have been amended.

10. Examine acknowledges applicant's amendment filed on 3/5/2004, paper no .9

11. Claims 1,5,11,17,27,43,65,78 have been amended, paper no. # 9

12. Claims 79-86 have been added, paper no. # 9.

Drawings

13. The drawings filed on 8/4/2002 are acceptable for examination.

Priority

14. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application [Sl.No.# ***2000-201548***] filed in Japan on ***7/3/2000***.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 1-14,16,20-21,24-25,38,40,43-51,53-54, 57,60-61,64-65,67,72,74,76, 78-92, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774 in view of Haeberli, US Patent No. 6587596.

16. As to Claims 1,43,78, Mayle teaches a system which including 'an image distributing system for distributing an image having a target character' [see Abstract, fig 1], image distributing system corresponds to Mayle's fig 1, also, it is noted that Mayle suggests for example electronic distribution of images as detailed in col 2, line 7-12, 'a character information obtaining unit for capturing a first image of the target character and obtaining character information of the target character' [col 7, line 17-19, col 8, line 1-11], Mayle teaches graphical data is provided in the form of specific formats such

as JPEG or GIF format [see col 7, line 17-19], Mayle also teaches user has the ability to choose images or photos that describing character information such as photo caption, message and like as detailed in col 8, line 3-5;

'a camera system for capturing plurality of images including a second image having at least the target character' [fig 1, element 14-15, col 4, line 17-18, col 5, line 19-23], camera system for capturing images corresponds to video camera and digital camera connected to the system as detailed in fig 1 that captures image(s) or photo(s), further it is noted that Mayle specifically suggests for example images and photographs are stored in a file system or store the temporary image files in a temp image database [see fig 2, element 65], that containing multiple images, therefore, first image, second image are integral part of Mayle's teaching,

'an image database communicating with said camera system for receiving and storing said plurality of images as image data' [col 5, line 18-23, line 35-46], image database corresponds to Mayle's image database, fig 2, element 66;

'an image collecting unit for selecting image data stored in said image database by identifying the target character according to character information thus obtained for distributing the second image including the target character [col 6, line 5-44, fig 4], Mayle suggests for example selected images or portions of images based on the changed data or characteristics of data are distributed as detailed in fig 4.

It is however, noted that Mayle does not specifically teach, "automatically selecting said second image data among said plurality of image data", although Mayle suggests creating, capturing, generating, and selecting color images [Abstract, fig 3A].

On the other hand, Haeberli disclosed "automatically selecting said second image data among said plurality of image data" [col 12, line 9-19, line 37-49, fig 7], Haeberli specifically teaches multiple image based product some times called as "diptych" or triptych" allows the process element 700 automatically selecting multiple images based on image attributes as detailed in fig 7, col 12, line 12-15, line 37-49].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Haeberli into creating messages including image information of Mayle et al., because both Mayle and Haeberli are directed to image processing, more specifically Mayle is directed to creating, cropping, cropping, selecting multiple images [see Abstract], Haeberli also directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], and both Mayle and Haeberli also teaches generating, transmitting images over network [see Mayle: col 1, line 53-67; Haeberli: col 1, line 54-64] and both Mayle and Haeberli are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Haeberli into creating messages including image information of Mayle's because that would have allowed users of Mayle to automatically select multiple images and image related attributes bringing the advantages of generating and displaying not only preview image of image-based products but also allows user to see how the image based product will look with a

particular set of product attributes [see Haeberli: col 4, line 59-63], thus improving the quality and reliability of the system.

17. As to Claim 2, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Mayle disclosed ' transmitting image data from said camera system to said image database' [see fig 1, col 7, line 14-20].

18. As to Claim 3, 46,the limitation of this claim has been noted in the above rejection of claim 1. In addition, Mayle disclosed 'image selecting terminal showing the images collected by said image collecting unit to a user and prompting the user to select images' [col 7, line 21-27col 7, line 66-67, col 8, line 1-11].

19. As to Claim 4, the limitation of this claim has been noted in the above rejection of claim 3. In addition, Mayle disclosed 'capturing an image of the user who is to select images' [col 5, line 46-52].

20. As to Claim 5, 48-49 the limitation of this claim has been noted in the above rejection of Claim 4. In addition, Mayle disclosed 'verifying the user who is to select images based on the character information' [col 5, line 7-16, line 44-49].

21. As to Claim 6, 47, the limitation of this claim has been noted in the above rejection of claim3. In addition, Mayle disclosed' image selecting terminal distributes the image data of said images selected by the user' [col 8, line 1-8].

22. As to Claim 7-8, 44, 50, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'outputting unit outputting the image data of said images collected by said image collecting unit' [see fig 1, element 13, col 4, line 17].

23. As to Claim 9, the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Mayle disclosed 'image selecting terminal showing images collected by said image collecting unit to a user and prompting the user to select images from said collected images, wherein said image selecting terminal transmits to said outputting unit image selection information representing which images are selected by the user' [see fig 10, col 8, line 35-42].

24. As to Claim 10, 76,the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Mayle disclosed 'outputting unit includes at least one of a printer, a CD-R recorder, an MD recorder, a web server for distributing the collected images via the Internet, means for sending E-mail with the collected images attached' [col 7, line 21-28, col 8, line 56-63, fig 1], predetermined URL [col 10, line 46-50], Mayle specifically suggests for example using world wise web for communicating with user PC to servers.

25. As to Claim 11,53-54, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'database includes data about at least one of a facial characteristic, body characteristic, and characteristic of wearing appeal of target character' [see fig fig 11,13,17, element 601], Mayle specifically directed to a photo that has facial, body, wearing appeal characteristics, also see figs12-17.

26. As to Claim 12-13, 20-21,24, 45,51,57, 61,67, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'camera system includes a plurality of cameras located within a predetermined area' [see fig 1, col 7, line 14-16], plurality of cameras corresponds to Mayle's video camera element 14, digital camera element 15 as detailed in fig 1.

27. As to claim 14, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Mayle disclosed 'whrein said character information obtaining unit imports an image of the target character to a character information database as the character information of the target character' [col 5, line 19-31].

28. As to Claim 16,55, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Mayle disclosed 'updates previously obtained character information with newly obtained character information for the target character' [col 6, line 39-44].

29. As to Claim 25, 65, Mayle disclosed 'image collecting unit saves only images data with the target character to said image database' [see fig 2, element 66].

30. As to Claim 38, 72,Mayle disclosed 'camera system transmits the image data to said image database substantially every time an image is captured' [see fig 2, col 5, line 19-23, line 35-39].

31. As to Claim 40, 74,Mayle disclosed 'camera system transmits the image data to said image database when a predetermined number of images are stored in the camera system' [fig 1-2, col 5, line 19-23].

32. As to Claim 60,64, Mayle disclosed 'when a person is caught in a plurality of images, and when said step of identifying the target character identifies a person as the target character .....[see fig 11-17,col 8, line 65].

33. As to Claim 79, Mayle disclosed 'a character information database for storing said character information of the target character obtained in said character information obtaining unit' [col 5, line 19-22, line 35-38], 'image collecting unit said character information from said character information database for identifying the target character' [col 5, line 44-46].

34. As to Claim 81, Mayle disclosed 'character information obtaining unit obtains said character information of the target character from the first image after said camera system captures said plurality of images including said second image' [col 7, line 17-19, col 8, line 1-11], Mayle teaches graphical data is provided in the form of specific formats such as JPEG or GIF format [see col 7, line 17-19], Mayle also teaches user has the ability to choose images or photos that describing character information such as photo caption, message and like as detailed in col 8, line 3-5, fig 1, element 14-15, col 4, line 17-18, col 5, line 19-23]; 'image distributing system further comprising, an image screen unit for checking if the target character is caught in said plurality of images captured in said camera system for storing said second image' [col 7, line 15-17, line 49-51, line 55-64].

35. As to Claim 82-83, Mayle disclosed 'registering character information for the target character is performed after said capturing the plurality of images is performed' [col 8, line 24-29].

36. As to Claim 84, Mayle disclosed ' detecting a characteristic sound to capture an image with the target character and capturing the image with the target character when the characteristic sound is detected' [see Abstract, col 7, line 15-17], Mayle specifically teaches digital camera, video camera element 14, as best understood by the examiner video camera has the capability for recording, and playing both audio and video signals, therefore, Mayle has the ability to capture not only image, but related sound along with the image.

37. As to Claims 85-86, Mayle disclosed 'target character is a person shown in the image' [fig 4,fig 11].

38. As to claim 87, Mayle teach 'camera system captures said plurality of said images' [see Mayle: fig 1, col 4, line 15-18; Haeherli: fig: 18], especially video camera and digital camera as suggested by Mayle at col 4, line 17-18; although automatically captures images is known in the art because user may have option to use camera both in manual as well as auto mode.

39. As to claim 88, Mayle disclosed 'capturing said plurality of images having the target character is done automatically' [fig 1, element 14-15, col 4, line 17-18, col 5, line 19-23].

40. As to claim 89, Haeherli disclosed 'capturing said plurality of images in which a person who is the target character is caught is done automatically' [fig 8-9].

41. As to claim 90, Haeherli disclosed 'character information represents a characteristic of the target character' [col 13, line 26-29, fig 9].

42. As to claim 91-92, Haeherli disclosed 'character information represents a characteristic of the target character' [col 13, line 26-32].

43. Claims 18-19,58-59, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774, Haeberli, US Patent No. 6587596 as applied to claims 1,43 above, and further in view of Acosta et al., [hereafter Acosta], US Patent No. 6166729.

44. As to Claims 18-19,58-59 Mayle disclosed 'camera system at least one camera [see fig 1], mobile camera corresponds to Mayle's fig 1 element 14-15 because it is portable to carry any place, also it may be connected to the system as suggested in fig 1, further Mayle also suggests for example communicating over network such as world wide web or Internet for exchanging electronic information [see col 1, line 53-55]. It is however, noted that both Mayle, Haeberli do not specifically teach 'wireless transmitter'. On the other hand, Acosta disclosed 'wireless transmitter' [see fig 1].

It would have been obvious to one of the ordinary skill in the art at the time of applicants' invention to incorporate the teaching of Acosta et al., into creating messages including image information of Mayle et al., user cropping an image of Haeberli because they all are directed to creating, capturing, cropping image information and transmitting over a network, more specifically Mayle is directed to creation of an image display on a electronic post card and sending an E-mail over a internet [see fig 1-2, Abstract], Haeberli is directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], while Acosta is directed to remote digital image viewing system, more specifically viewing digital images of remote locations [see fig 1-2, Abstract] via

wireless network to world wise web as detailed in fig 1, and further, Mayle, Haeberli, Acosta are directed to digital image capturing, viewing, they all are directed to sending and receiving over internet and are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to modify the combination of Mayle et al., Haeberli references, more specifically modifying Mayle's and Haeberli's fig 1 to incorporate the wireless network of Acosta's fig 1, element 14 because that would have allowed users of Mayle, Haeberli to creating messages including image information to communicate over wireless communications, thus improving speedy and efficient protocol and operations as suggested by Acosta [see Abstract, fig 1, col 2, line 61-67, col 2, line 1-2]

45. Claims 15,17,22-23,26,27-28,36-37,39,41,52,56,62, 66,68-69,71,73,75, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774, Haeberli, US Patent No. 6587596 as applied to claims 1,43 above in view of Kuno, US Patent No. 6567121.

46. As to Claim 15, 22-23,52,62, Mayle teaches a system which including 'character information obtaining unit has a plurality of cameras for capturing character information' [see fig 1, col 7, line 14-16], 'said character information obtaining unit imports a plurality of images of the target character captured from plurality of cameras' [col 8, line 35-42], however it is noted that both Mayle, Haeberli do not specifically teach 'different angles by a respective one of said plurality of cameras'. On the other hand, Kuno disclosed 'different angles by a respective one of said plurality of cameras' [col 1, line 47-49, col 3, line 54-62, col 4, line 16-19], Kuno specifically suggests various image sensing time and angle values and stored in the external storage device as detailed in fig 2.

It would have been obvious to one of the ordinary skill in the art at the time of applicants' invention to incorporate the teachings of Kuno into creating messages including image information of Mayle et al., user cropping an image of Haeberli because they are directed to capturing images, more specifically Mayle is directed to creation of an image display and attached on a electronic post card and sending an E-mail over a internet [see fig 1-2, Abstract], Haeberli is directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67], while Kuno is directed to

camera server, camera client control method and storage, more specifically sharing image information, search image information on a network having automatic camera image sensing at various angles as detailed in Abstract, fig 2. It is also noted that both Mayle and Haeberli also teaches transmitting image information or sharing image information over network [see Mayle: fig 1; Haeberli: fig 1].

One of ordinary skill in the art at the time of applicants' invention to modify Mayle's reference to incorporate the teachings of automatic camera image sensing sequence that including various angles of image with respect to time because that would have allowed users of Mayle's creating message including image information effectively control and communicate various images with specified angle of image and time over the network [see col 8, line 38-45], thus improving quality of searching various images and reliability of the system.

47. As to Claims 17,26,56,66, the limitation of this claim has been noted in the above rejection, in addition, Kuno disclosed 'character information includes a registration of data of refusal to be imaged by a person, and said image collecting unit does not collect images when at least one character in an image is a person who refuses to be imaged' [col 4, line 41-50, line 63-67, col 5, line 1-11].

48. As to Claim 23, 63 the limitation of this claim has been noted in the above rejection, in addition, Kuno specifically teaches 'different time periods' [see fig 2].

49. As to Claims 27,36,68, the limitation of this claim has been noted in the above rejection, in addition, Kuno specifically teaches 'timing detecting unit for detecting a timing to capture an image with the target character' [see fig 4, col 4, line 34-39], 'camera system captures said plurality of images with the target character when said timing detecting unit detects said timing for capturing said plurality of images' [col 3, line 54-61].

50. As to Claims 28,69, 71, the limitation of this claim has been noted in the above rejection, in addition, Kuno specifically teaches 'timing detecting unit detects, based on position information about plurality of characters, said timing for capturing an image when said plurality of characters are at a predetermined position' [fig 2,4, col 4, line 34-39], Kuno specifically teaches for example detecting various image data with respective to image sensing date, sensing angle information that are stored as detailed in col 4, line 34-39.

51. As to claim 37, the limitation of this claim has been noted in the above rejection, in addition, Kuno disclosed 'timing detecting unit detects that both the target character and an object for attracting attention of the target character are in a predetermined range to be captured in an image' [col 3, 38-42, line 54-61, line 63-67]

52. As to Claim 39,41,73, 75, Kuno teaches a system which including 'image database substantially at predetermined time intervals' [see col 6, line 26-30, fig 2, fig 12, element 1104.

53. Claims 29-34,35,42,70, 77, rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle et al., [hereafter Mayle], US Patent No. 6018774, Haeberli, US Patent No. 6587596, Kuno, US Patent No. 6567121 as applied above Claims 1,43, and further in view of Acosta et al., [hereafter Acosta], US Patent No. 6166729

54. As to Claims 29, 70, Mayle, Haeberli, teaches a system which including 'image distributing system' [see Mayle: fig 1, Haeberli: fig 1], However, it is noted that Mayle, Haeberli, do not specifically teach 'timing detecting unit, detects said timing for capturing an image', although Mayle, Haeberli do teaches capturing images [see Mayle: Abstract, Haeberli: Abstract; Acosta: Abstract]. It is however, noted that Kuno disclosed "timing detecting unit, detects said timing for capturing an image' [fig 2,fig 4, col 34-39].
It is however noted that Mayle, Haeberli, and Kuno do not specifically teach 'prompting a person in a predetermined area to carry a transmitter for transmitting radio waves, receiving the radio waves, receiver based on the radio waves transmitted from said transmitter'. On the other hand, Acosta teaches 'prompting a person in a predetermined area to carry a transmitter for transmitting radio waves, receiving the radio waves, receiver based on the radio waves transmitted from said transmitter'
[see fig 1, col 1, line 39-47, col 5, line 11-14].

It would have been obvious to one of the ordinary skill in the art at the time of applicants' invention to incorporate the teachings of Acosta into creating messages including image information of Mayle et al., Haeberli, and camera control system that search, store image data of Kuno because all are directed to capturing images, more specifically Mayle is directed to creation of an image display and attached on a electronic post card and sending an E-mail over a internet [see fig 1-2, Abstract], Haeberli is directed to creating, cropping, selecting multiple images [see abstract, col 2, line 11-19, line 58-67]; Kuno is directed to camera server, camera client control method and storage, more specifically sharing image information, search image information on a network having automatic camera image sensing at various angles as detailed in Abstract, fig 2, while Acosta is directed to remote digital image viewing system, more specifically viewing digital images of remote locations [see fig 1-2, Abstract] via wireless network to world wise web as detailed in fig 1

One of ordinary skill in the art at the time of applicants' invention to combine the references of Acosta with Mayle, Haeberli, Kuno because that would have allowed users of Mayle, Haeberli, Kuno, especially Kuno communicate various images with specified angle of image and time over the network [see Kuno: col 8, line 38-45], specifically transmitting over wireless cellular communication network of Acosta et al [see col 5, line 11- 14], bringing the advantages of real-time, live image communicating the image to the remote location[s] as suggested by Acosta et al. [col 2, line 33-36].

55. As to Claim 30, Acosta disclosed' transmitter includes one of an ID card and cellular phone' [col 1, line 39-41, col 5, line 11-13].

56. As to Claim 31,35, Acosta disclosed 'radio waves transmitted and received between said transmitter and said receiver include the character information' [fig 1, col 5, line 10-13].

57. As to claim 32, Mayle disclosed 'image collecting unit identifies the target character substantially at the time when an image is captured by said camera system' [see fig 2, col 5, line 19-23, line 35-39].

58. As to claim 33, Kuno disclosed 'prompting a person prompts a person who refuses to be imaged to carry a transmitter' [col 4, line 41-50, line 63-67, col 5, line 1-11].

59. As to claim 34, Mayle disclosed 'image collecting unit identifies the target character' [see fig 2, col 5, line 19-23, line 35-39], 'at least one person in said image is identified as the target character' [col 5, line 7-10]. On the other hand, Kuno disclosed 'target character as a person who refuses to be imaged substantially at the time an imae is captured by same camera system, target character who refuses to be imaged, said image collecting unit does not collect images with the target character who refuses to be imaged' [col 4, line 42-46, line 52-55, line 63-67].

60. As to Claim 42, 77, Kuno disclosed 'the system is structured and arranged in an amusement part' [col 1, line 13-19].

Response to Arguments

Applicant's arguments filed on 10/5/2005 with respect to Claims 1-92 have been fully considered but they are not persuasive, for examiner's response, see discussion below:

a) At page 2, claim 1, applicant argues that claim 1 recites, "capturing a first image of the target character". Applicant submits that although images may be captured in a JPEG format, this does not mean that an image of "JPEG" was captured. The claim recites "capturing a first image of the target character", not capturing an image with certain data characteristics"

As to the above argument, firstly, Mayle directed to image processing, manipulation, more specifically photographic images or pictures [see col 1, line 5-6, line 10-11], secondly, Mayle specifically teaches video camera and or digital camera as shown in fig 1, that captures any image in general, more specifically the purpose of video, digital camera is to capture target image and save as computer file or data, particularly storing in the image database for example fig 2, element 66, thirdly, Mayle specifically shows captured graphical data or electronic image or image of the target

may be in various formats, although image format does not necessarily in "JPEG", it may be any format. Because Mayle suggested "JPEG or GIF" format [see col 7, line 17-19]as an example, it is understood that target image is in a particular format. It is further noted that Mayle specifically shows person's image [see fig 4, fig 11], showing characteristics data for example face, cloths or outfits, hands or body and like. It is also noted that image captured may be moving image or still picture because Mayle at least disclosed both digital camera and video have the capability of capturing still picture and moving images.

b) At page 2, claim 1, applicant argues that "tab" data cannot disclose or suggest the claimed character information since they are not used in the selection of "image data... by identifying the target character according to character information thus obtained"

As to the above argument [b], Mayle specifically teaches captured target characters for example as detailed in fig 4, 11 image shows persons face, outfits, body, and like, further, Mayle also allows to choose, photos or images that describe character information such as photo caption, message and like as detailed in col 8, line 3-5. It is also noted that "tab" specify parts of the electronic image postcard.

c) At page 3, applicant argues, "the system disclosed in Mayle and Haeberli do not disclose or suggest the claimed character information obtaining unit.

As to the above argument [c], both Mayle and Haeberli teach image processing [se Mayle: fig 4 see col 1, line 5-6, line 10-11], Haeberli: fig 2; both teach digital camera capability of capturing images [see Mayle: fig 1; Haeberli: fig 1, element 108], both teach displaying image with data characteristics for example face, cloths or outfits, hands or body and like [see Mayle: fig 4, fig 11; Haeberli: fig 6, element 602] therefore, at least both Mayle, Haeberli teach character information, and same field of image processing. Although Mayle suggests creating, capturing, generating, and selecting images as detailed in Abstract, fig 3A, Mayle does not teach "automatically selecting second image data among plurality of image data" as noted in the office action.
On the other hand Haeberli disclosed as detailed in fig 7, col 12, line 12-15, line 37-49

Examiner applies above arguments to independent claims 43,78 and dependent claims 2-14,16,20,21,24,25,38,40,44-51,54,57,60,61,64,65,67,72,74,76,79-92..

d) At page 3, as to claims 18,19,58,59, both Mayle, Haeberli do not specifically teach "wireless transmitter", although Mayle specifically suggests network for example world wide web or internet for sending and receiving or transmitting electronic information exchange [see col 1, line 53-55], while Haeberli also suggests network connecting client computer and server computer connected [see fig 1].. On the other hand, Acosta disclosed "wireless transmitter" as shown in fig 1. Therefore, it would

have been obvious to combine the references Mayle, Haeberli with Acosta because that would have allowed users of Mayle, Haeberli to communicate images using wireless communications bringing the advantages of remotely accessing, viewing and communicating digital images in real-time as suggested by Acosta [see 37-42].

e) At page 3-4, as to claims 15,17,22,23,26-28,36,37,39,41,52,56,62,63,66,68,69,71,73,75, examiner applies above arguments further, it is noted that both Mayle, Haeberli do not teach "different angles....cameras". On the other hand, Kuno disclosed "different angles....cameras" in col 1, line 47-49, col 3, line 54-62, col 4, line 16-19. Therefore, one of the ordinary skill in the art at the time of applicant's invention to combine the references of Mayle, Haeberli with Kuno because that would have allowed users of Mayle,Haeberli to share , and communicate various images with specific angle of information on images as suggested by Kuno [col 8, line 38-45]

similarly examiner applied claims 1 and 43 arguments to dependent claims 29-34,35,42,70,77..

Conclusion

The prior art made of record

a. US Patent No. 6018774

b. US Patent No. 6166729

c. US Patent No. 6567121

d. US Patent No. 6587596

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

e. US Patent No. 5675358

f. US Patent No. 6359643

g. US Patent No. 6249316

h. US Patent No. 6313875

i. US Patent No. 6035323

j. US Patent No 6064398

k. US Patent No 6260021

l. US Patent No 5568406

m. US Patent No 6636259

n. Rainer et al., Capturing interactions in meetings with omnidirectional cameras 8 pages

o. US Patent No 6608650

p. US Patent No. 6538689

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc
Patent Examiner.
October 21, 2005.

SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER